

Statement Before  
The California Energy Commission  
2005 Energy Report Committee – Nuclear Issues Workshop  
By  
Connie S. Nakahara  
Utah Department of Environmental Quality  
August 15, 2005

Commissioners John Geesman and James Boyd, and other members of the California Energy Board, thank you for inviting the State of Utah to participate in your Nuclear Issues Workshop. I apologize and regret not being able to participate in person. However, I appreciate the opportunity to provide comments on behalf of the State of Utah regarding the transportation of spent nuclear fuel.

Utah has a significant stake in the transportation and storage of commercial spent nuclear fuel. Under the proposed plan for Yucca Mountain, over ninety percent of spent nuclear fuel will likely travel through Utah, presumably little or none from California. If the proposed Private Fuel Storage, LLC (PFS) facility in Utah is licensed by the U.S. Nuclear Regulatory Commission (NRC), spent nuclear fuel will likely remain in Utah either because a permanent repository is not opened or because the capacity of Yucca Mountain, if licensed and then opened, is insufficient to accept the additional 44,000 tons of nuclear waste contemplated at PFS.

Notwithstanding, the calls for new nuclear reactors, DOE itself estimates that the current capacity at Yucca Mountain will be exceeded by over 44,000 tons due to reactors operating beyond the original 40-year licenses. Accordingly, after the PFS 40-year license term, spent nuclear fuel will either 1) remain in Utah indefinitely or 2) as maintained by PFS, the spent nuclear fuel must be removed by its owner, including shipping the spent nuclear fuel back to the originating reactor. Neither scenario is desirable. Moving spent nuclear fuel to Utah on the hope that the U.S. will have an operational nuclear waste disposal solution by the end of the PFS 40-year license period

is irresponsible. We can neither afford nor tolerate short-term technical thinking or expedient fixes to this long-term problem.

Furthermore, the NRC has committed to full-scale testing of a single transportation cask. Transportation of spent nuclear fuel to a permanent DOE repository will not occur before 2012, and probably much later. However, if the NRC licenses the proposed PFS facility, transportation of the same spent nuclear fuel could begin as early as 2007. As a result, it is unlikely that NRC will complete its full scale testing of a transportation cask prior to the initiation of the PFS shipping campaign.

Additionally, there will be no National Environmental Protection Act review of the PFS transportation plan and no final Environmental Impact Statement because the NRC has not required it for nuclear waste shipments to PFS. Moreover, PFS could move nuclear waste across the U.S. without the benefit of any testing, technical evaluation, planning, or emergency response preparedness. Importantly, there will be no federal-state emergency response training or monetary support because none is required of PFS. Notwithstanding PFS bald promises, there are no current mechanisms to ensure state and local government input into the PFS transportation plan and route selection.

Last month, Utah in conjunction with California, Nevada, and the other western states, as members of the Western Interstate Energy Board recently conveyed its transportation expectations and concerns to PFS Chairman John Parkyn. The Council of State Governments, Midwestern Radioactive Materials Transportation Committee and the Southern States Energy Board Radioactive Materials Transportation Committee, also joined the Western Interstate Energy Board as signatories to the letter to Mr. Parkyn. The letter emphasized “the states believe it is the responsibility of [spent nuclear fuel] [] generators, as well as the federal government, to cover all the states’ shipment-related costs associated with [spent nuclear fuel] [] shipments.” The Western Interstate Energy Board has heard no response from PFS.

Finally, the State of Utah is concerned whether DOE would in fact accept spent nuclear fuel from the PFS facility when DOE's standard contract mandates acceptance of only bare fuel. While DOE is confident that the standard contract will be renegotiated, Utah and the spent nuclear fuel owners could be caught in the crossfire of potentially lengthy negotiations and left with spent nuclear fuel and no available final destination.

I hope my comments have given you insight into another state's perspective when you are forming California nuclear energy policies. Notably each of the California operating and shutdown reactors, including a PFS member utility, are currently or planning to store spent nuclear fuel at the reactor site. The State of Utah commends the California utilities for taking responsibility for the safe management of its own spent nuclear fuel. Storage of nuclear waste at the reactor site until a permanent solution is available eliminates transferring the risks and responsibilities to other states and communities. Thank you for allowing me to make this statement.